20110526111809001

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
कलम ३७ (२) अन्वये विकास नियंत्रण नियमावलीतील
नियम ३३ (७) मध्ये करावयाच्या फेरबदल
मंजूरीबाबतची अधिसूचना,

महाराष्ट्र शासन
नगर विकास विभाग,
शासन क्रमांक : टिपीबी -४३०८ /३२२४/प्र.क्र.२६८/२००८/अ /नवि-११,
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : २१ मे, २०११.

शासन निर्णय :-सोबतची अधिसूचना शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.
महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.

(राजेन्द्र होबडे)
अवर सचिव, महाराष्ट्र शासन,
नगर विकास विभाग.

प्रति,

सचिव, गृह निर्माण विभाग, मंत्रालय, मुंबई : ४०० ०३२.
महानगर आयुक्त, मुंबई महानगर व प्रदेश विकास प्राधिकरण, मुंबई.
महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
मुख्य कार्यकारी अधिकारी, म्हाडा, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.
मुख्य अधिकारी, मुंबई इमारत दुरुस्ती व पुनर्रचना मंडळ, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यांत येते की, सोबतची सूचना महाराष्ट्र शासनाचे साधरण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)
कक्ष अधिकारी (संगणक कक्ष)(नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई : ४०० ०३२,
(त्यांना विनंती करण्यांत येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी.)
निवडनस्ती (नवि-११).

- **Sanction to the Modification to the Regulation No.33(7) of DCR under section 37(2) of the Maharashtra Regional & Town Planning Act, 1966.**

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.

Dated 21st May, 2011.

NOTIFICATION

No. TPB 4308/3224/CR-268/08/A/UD-11.

Whereas Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), vide Urban Development Department's Notification No. DCR/1090/UD-11 (RDP) dated 20/2/1991, to come into force with effect from 25/3/1991.

And whereas, Regulation No. 33(7) of the D.C.R. is applicable to reconstruction or redevelopment of cessed buildings in the Island City by cooperative housing societies or of old buildings belonging to the Municipal Corporation of Greater Mumbai (hereinafter referred to as the "said Corporation").

And whereas, the Government, vide Urban Development Department's Notification No. TPB/4391/1681/CR-188/91/UD-11 dated 25/1/1999, has further modified the said Regulations (hereinafter referred to as "the said modified regulations").

And whereas, Govt. finds it necessary to modify certain provisions of DCR 33(7) (hereinafter referred to as "the said proposed modification").

And whereas, in exercise of the powers conferred under sub-section (1AA) of section 37, Govt. had issued the notice No.TPB-4308/3224/CR-268/08/UD-11, dated 2nd September 2009 (herein referred to as " the said notice") for inviting suggestions/objections from any person with respect to the said modification and appointed Deputy Director of Town Planning, Brihanmumbai as an officer under section 162 of the said Act (hereinafter referred to as "the said officer") to submit the report to Govt. after scrutinizing the suggestions/objections on the said proposed modification and say of the said Municipal Corporation thereon.

And whereas, the said notice was published in the Government Gazette (ordinary) dt. 10-16 September 2009 and in the newspaper namely "The Asian Age" (English) dated 8th September 2009.

And whereas, the said officer has submitted its report through Director of Town Planning vide letter No.1974 dtd. 16/11/2009.

And whereas, after considering the report of the said officer, suggestions/objections received from general public, say of the said

Corporation and report of the Director of Town Planning, Maharashtra State thereon, the Government is of the opinion that the said modification shall be sanctioned with some changes.

Now, therefore, in exercise of the powers conferred under section 37(2) of the said Act, the Government hereby:-

A) Sanctions the modification to Regulation 33(7) of the D.C.R. (more specifically described in the schedule attached herewith).

B) Fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this Notification.

C) Directs the said Corporation that, in the schedule of modification sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of Governor of Maharashtra,

(Rajendra Habde)
Under Secretary to Government.

SCHEDULE

[Accompaniment with the Govt. in Urban Development Department Notification No. TPB 4308/3224/CR-268/08/UD-11 dtd. 21st May 2011]

Sanctioned modification to regulation 33(7) is given below: –
Appendix III

Sr. No	Clause No.	Existing Provision	Sanctioned modification
1	2	Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to minimum carpet area of 20.90 sq.mt. (225 sq.ft.) and /or maximum carpet area upto 70 sq.mt. (753 sq.ft.) as provided in the MHADA Act, 1976. In case of non-residential occupier the area to be given in the reconstructed building will be equivalent to the area occupied in the old building.	Each occupant shall be rehabilitated and given the carpet area occupied by him for residential purpose in the old building subject to minimum **fixed** carpet area of **27.88** sq.mt. (**300** sq.ft.) and maximum carpet area upto 70 sq.mt. (753 sq.ft.) as provided in the MHADA Act, 1976. In case of non-residential occupier the area to be given in the reconstructed building will be equivalent to the area occupied in the old building. **Provided that if carpet area for residential purpose exceeds 70.00 sq.mt. (753 sq.ft.) the cost of construction shall be paid by tenant/occupant to the developer. The cost of construction shall be as per Ready Reckoner rate of that year. However, the carpet area exceeding 70.00 sq.mt. (753 sq.ft.) shall be considered for rehab FSI but shall not be considered for incentive FSI.**
2	4	The tenements in the reconstructed building shall be allotted by the landlord/ occupants cooperative housing society to the occupiers as per the list certified by the Mumbai Repairs and reconstruction Board. The prescribed percentage of the surplus built up area as provided in the Table in the Third Schedule of the MHADA Act, 1976, shall be made available to the MR&RB for accommodating the occupants in transit camps or cessed	The tenements in the reconstructed building shall be allotted by the landlord/ occupants cooperative housing society to the occupiers as per the list certified by the Mumbai Repairs and reconstruction Board. The prescribed percentage of the surplus built up area as provided in the Table in the Third Schedule of the MHADA Act, 1976, shall be made available to the MR&RB for accommodating the occupants in transit camps or cessed buildings which cannot be constructed, on payment of an amount as may be prescribed under MHADA Act, 1976. **Provided that the area equivalent to the market value (The Market Value shall be as per the Ready-Reckoner rate of that year) of area admissible as per the prescribed percentage of built up area can be made available within the same municipal ward of MCGM.**

	•	buildings which cannot be constructed, on payment of an amount as may be prescribed under MHADA Act, 1976.	
3	5	The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be as under:- (a) In case of redevelopment of 'A' Category cessed building undertaken by landlord and/or Co-operative Housing Societies of landlord and/or occupiers, the total FSI shall be 2.5 of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI, whichever is more. (d) In case of composite redevelopment undertaken by the different landlords and/or Co-op. Housing Societies of landlords and/or occupiers jointly of 2 or more plots but not more than 5 plots with 'A', 'B' and 'C' category cessed buildings the FSI permissible will be 2.5 or FSI required for rehabilitation to existing occupiers plus 60% incentive FSI, whichever is more; Provided, however, that if the number of plots jointly	The FSI for rehabilitation of existing tenants/occupiers in a reconstructed building and incentive FSI that will be available shall be as under:- (a) In case of redevelopment of 'A' Category cessed building undertaken by landlord and/or Co-operative Housing Societies of landlord and/or occupiers, the total FSI shall be **3.00** of the gross plot area or the FSI required for rehabilitation of existing occupiers plus 50% incentive FSI, whichever is more. (d) In case of composite redevelopment undertaken by the different landlords and/or Co-op. Housing Societies of landlords and/or occupiers jointly of 2 or more plots but not more than 5 plots with 'A', 'B' and 'C' category cessed buildings the FSI permissible will be **3.00** or FSI required for rehabilitation to existing occupiers plus 60% incentive FSI, whichever is more; Provided, however, that if the number of plots jointly undertaken for redevelopment is six or more the incentive FSI available will be **3.00** or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more.

	•	undertaken . .for redevelopment is six or more the incentive FSI available will be 2.5 or FSI required of rehabilitation for occupiers plus 70% incentive FSI whichever is more.	
4	17	--	A corpus fund is to be created by the Developer which will take care of the maintenance of the building for a period of 10 years.
5	18	--	Restriction on transfer of tenements shall be governed by provision of Rent Control Act till Coop. Society is formed and after that the same shall be governed by the provision of Maharashtra Co-op. Society's Act.
6	19	--	Non Deduction of non-cessed structure area in the scheme of 33(7) for FSI purpose. In case of mix of the structures i.e. cessed & non cessed structures and if the area of non cessed structures existing prior to 30/9/69, area of land component under non-cessed structure works out upto a limit of 25% of plot area, then FSI shall be considered on total plot area. If this area exceeds 25% of the total area, then area above 25% shall be deducted from plot area. FSI for deducted area shall be as per regulation 32 and the remaining plot area shall be as per 33(7).
7	10(a)	In case of redevelopment schemes already in progress and building is not completed upto plinth level then proposal may be converted in accordance with the above modified regulations. However, such conversion is optional and not binding.	In the case of Redevelopment Scheme in progress and such schemes where LOI has been issued and if the construction of rehab building is not completed up to plinth level, then Owner/ Developer/ Co-op. Housing Societies with the prior approval of Govt. may convert the proposal in accordance with modified regulations only regarding size of tenements and loading of FSI, insitu. However, such conversion is optional and shall not be binding .

(Rajendra Habde)
Under Secretary to Government.